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14	NETAPP, INC.,			
15	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALLEORNIA			
16	NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION			
17	DAIN FRANCE			
18	NETWORK APPLIANCE, INC.	Case No. 3:07-CV-06053-EDL		
19	Plaintiff-Counterclaim Defendant,	Case No. 3:07-CV-05488-EDL		
	Trainerr Counterclaim Berendant,			
20	V.	Judge: Hon. Elizabeth D. Laporte		
20 21	·	Date: June 16, 2009		
	v.			
21	v. SUN MICROSYSTEMS, INC.	Date: June 16, 2009		
21 22	v. SUN MICROSYSTEMS, INC. Defendant-Counterclaim Plaintiff.	Date: June 16, 2009 Time: 9:00 am		
212223	v. SUN MICROSYSTEMS, INC. Defendant-Counterclaim Plaintiff.	Date: June 16, 2009		
212223242526	v. SUN MICROSYSTEMS, INC. Defendant-Counterclaim Plaintiff.	Date: June 16, 2009 Time: 9:00 am		
 21 22 23 24 25 26 27 	v. SUN MICROSYSTEMS, INC. Defendant-Counterclaim Plaintiff.	Date: June 16, 2009 Time: 9:00 am		
212223242526	v. SUN MICROSYSTEMS, INC. Defendant-Counterclaim Plaintiff.	Date: June 16, 2009 Time: 9:00 am		

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1	<u>STIPULATION</u>		
2	WHEREAS, on April 6, 2009, NetApp served Joyent with two third party		
3	subpoenas for documents and testimony about it's use and/or distribution of Sun's accused serve		
4	technology, inter alia, specifically the zettabyte file system (or "ZFS") under Rule 45 of the		
5	Federal Rules of Civil Procedure.		
6	WHEREAS, on April 24, 2009, Joyent filed a motion to quash the subpoena and		
7	for sanctions against NetApp, and the Court set a hearing with respect to that motion on June 16		
8	2009.		
9	WHEREAS, on May 26, 2009, the return date for NetApp's Opposition To		
10	Joyent's Motion To Quash And For Sanctions, NetApp experienced technical difficulties based		
11	on a recently-installed document management system, which caused it to delay its electronic		
12	filing of its opposition until approximately 6:55 am today, May 27, 2009.		
13	WHEREAS, NetApp and Joyent have conferred and agreed to stipulate to an		
14	Extension Of Time For Filing NetApp, Inc.'s Opposition To Joyent's Motion To Quash NetApp's		
15	Subpoena And For Sanctions.		
16	WHEREAS, NetApp and Joyent have further stipulated, subject to the Court's		
17	approval, to a one-day extension for Joyent's Reply NetApp, Inc.'s Opposition To Joyent's		
18	Motion To Quash NetApp's Subpoena And For Sanctions. Pursuant to the stipulation, Joyent's		
19	reply would be due on or before June 3, 2009.		
20	Respectfully submitted,		
21			
22	Dated: May 27, 2009 WEIL, GOTSHAL & MANGES LLP		
23			
24	By: /s/ Jeffrey G. Homrig		
25	Jeffrey G. Homrig Attorneys for Plaintiff-		
26	Counterclaim Defendant, NETAPP, INC.		
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1	<u>ORDER</u>		
2	IT IS HEREBY ORDERED that the time for NetApp, Inc.'s Opposition T		
3	Joyent, Inc.'s Motion To Quash And For Sanctions be extended to May 27, 2009, nunc pro tunc.		
4			
5	PURSUANT TO STIPULATION, IT IS SO ORDERED.		
6	\$1.100		
7	Dated: 55/28/09 Elijah? D. Lante		
8	Honorable Elizabeth Laporte		
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1	<u>ORDER</u>	
2	IT IS HEREBY ORDERED that the time for Joyent Inc.'s Reply To NetAp	
3	Inc.'s Opposition To Joyent, Inc.'s Motion To Quash And For Sanctions be extended to June	
4	4 2009.	
5	5	
6	PURSUANT TO STIPULATION, IT IS SO ORDERED.	
7	7	Elijah ? D. Laporte
8	8 Dated:	·
9	9	Honorable Elizabeth Laporte
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